Supreme Court
FILED

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No. 00-3-421

In The
Supreme Court of the United States

CHERYLYNN COSTNER; LET GO PRODUCTIONS,

PETITIONERS,

v.

COMIC RELIEF, INC.; HOME BOX OFFICE; ROBERT ZMUDA; JOHN DAVIES; JOSEPH TROIANI, PH.D.; DOLLY KELLERHOUSE; STATE BAR OF CALIFORNIA; MITCHELL, SILBERBERG & KNUPP; WELLCOME; FIENMAN & APPLEGATE; CALIFORNIA STATE JUDICIARY; CALIFORNIA STATE LEGISLATURE; AMERICAN BAR ASSOCIATION; GOVERNOR PETE WILSON; COUNTY OF LOS ANGELES; STATE OF CALIFORNIA; DOES 1 THROUGH 92,

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI TO THE 9TH CIRCUIT COURT OF APPEALS.

PETITION FOR WRIT OF CERTIORARI

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35 pp

QUESTIONS PRESENTED

The United States Court of Appeals for the 9th Circuit de novo review denied the appeal of a District Courts conspiracy to deprive civil rights case. The lower courts' Breach of Judicial Duty, and continual denial to Petitioners of fundamental due process and equal protection under the law, raises five substantial federal questions of national importance that warrant immediate review by this court:

1. Does the United States Constitution allow rich and powerful men the right to use the legal system to destroy the civil rights of females, sexual discrimination in the extreme?

2. Was it the intent of the Founders to allow judges special privileges to lie about facts and law to support unjust judgments under a Sovereign Immunity Doctrine?

3. Is it unconstitutional for the Inferior Courts to deny a Pro Se Litigant due process and equal protection as in Star Chamber proceedings where court officers are required to cover up for the betrayal of other lawyers on the bar or the bench?

4. Was it the intent of the Founding Fathers to allow the undermining of the United States Constitution's Commands for the Separation of Powers by allowing State Bar Licensed Lawyers to have virtual control over all branches of Government?

5. Is it not the constitutional duty of this Court to prevent our Country from descending into lawlessness and anarchy because *"We the People"* are denied meaningful access to the Courts?

TABLE OF CONTENTS

PETITION FOR WRIT OF CERTIORARI Page 1

OPINIONS BELOW Page 1

JURISDICTION Page 2

REASONS FOR GRANTING CERTIORARI Page 3

II . The United States Constitution protects the rights of all Americans not only those who have money and power. Page 5

III. It is the responsibility to have this Court to preserve a rule of law and not the rule of men. Page 6

IV. Professional lawyers and their bar associations alleged violations of Anti-trust laws and Racketeering Influenced Corrupt Organization having created a monopoly on the practice of law with the exclusive access to meaningful access to the court is unconstitutional. Page 9

V. Petitioners constitutional right to fair notice, due process and equal protection of the law can not be waived by the court based on her sexual gender. Page 12

VI. The United States Constitution commands justice for all and it creates an incurable conflict of interest for the courts to obstruct justice for the sake of a parties money and political influence. Page 16

VII. Did the US Constitution and Congress authorize state and federal lawyers appointed as judges to manufacture facts and law at their whim? Page 19

VIII. JUSTICE DEMANDS THAT A FAIR AND IMPARTIAL JUDGE PRESIDE OVER THE HEARING IN THE DISTRICT COURT WITH A TRIAL BY JURY. Page 22

IX Petitioners' right to a fair and impartial hearing on the merits has been obstructed by defendant's excess violations of the Separation of Powers Doctrine. Page 27

X CONCLUSION Page 28

TABLE OF CASES

The Trial of William Penn and William Mead	P. 3
Haines v. Kerner	P. 3, 8
Gideon v Wainwright	P. 3
Marbury v. Madison,	P. 5
REI Crawford v. Addison	P. 6
Auto Equity Sales, Inc. v. Superior Court	P. 7
Noll v. Carlson	P. 7
Bretz v. Kelman	P. 8
Karim-Panahi v. L.A.P.D.	P. 6, 7
Arlington Hieghts v. Metropolitan Housing Corp	P. 8
Armstrong v Rushing	P. 8
Broughton v. Cutter Laboratories	P. 8
Farretta v. California	P. 11, 17 , 20, 25
Nuremberg War Crimes Tribunal	P. 12
Zmuda v Brown	P. 13
Brown v Zmuda	P. 18
Griffen v. Breckenridge	P. 13
Podlasky v Price	P. 22
Rel Buckley v. Salonon	P. 22.
Ryland v. Shapiro	P. 22
US v. Annottie	P. 26

Table of Codes

Ku Klux Klan Act	P. 1
Bill of Rights 7th amend	P. 3, 12
US Const. Amend. 1 sec. 9, amend 4, 14	P. 3
Judiciary Act of 1789	P. 6
Sovereign Immunity Doctrine	P. 6, 8
Declaration of Independence	P. 7, 12
California Constitution Article 4 section 6	P. 19
FRCP rule 11	P. 8

PETITION FOR WRIT OF CERTIORARI

Petitioners Cherylynn Costner and Let Go Productions respectfully prays that a writ of certiorari be issued to review the judgment of the 9th Circuit Court of Appeals in this case. In plain contravention of the requirements of the Constitution of the United States and federal law, the 9th Circuit Court of Appeals has embarked on a standardless, and lawless exercise of judicial power, which appears designed compound the violations of the Ku Klux Klan Act and to further the deprivation of civil rights of as stated in the first amended complaint for damages.

The inferior courts have refused to face the facts stated in the instant complaint or follow controlling law for civil rights cases to rule in favor of famous media and government defendants and against the pro se plaintiff. Thereby dismissing the entire case without ever granting leave to amend, or a hearing for the factual findings based on disputed facts wrongfully advanced in the defendants motions to dismiss.

Access to the court must be meaningful as set forth in the Constitution and congressional enactment, as well as by state law, the court's decision involves issues of the utmost *federal* importance.

OPINIONS BELOW

On August 24, 2000, the U.S. Court of Appeals for the 9th Circuit **(9th Cir.)** issued a final order which upheld the U.S. District Court, Central District of California's dismissal of Petitioners **1st Amended Complaint for**:

(1) Violation and Conspiracy to Violate the Ku Klux Klan Act of 1871, Deprivation of Civil Rights as per Title 42 U.S.C. 1981, 1982, 1983, 1985, 1986;

(2) For Violation of R.I.C.O. (Racketeering) Title 18 U.S.C. 1961, 1964;

(3) Breach of Judiciary Duty;

(4) Violation of Federal Anti-Trust Laws;

(5) Violation of Separation of Powers Doctrine;

(6) Breach of Contract;

(7) Negligence;

(8) Intentional Infliction of Emotional Distress;

(9) Conversion;

(10) Slander and Libel;

(11) Negligence Per-Se;

(12) Fraud;

(13) Injunctive Relief;

(14) Demand for Jury Trial,

without ever granting leave to amend, as the 1st amendment was prior to the service of complaint on opposing parties.

JURISDICTION

On August 24, 2000 the United States Court of Appeals for the 9th Circuit issued a final ordered and "*closed appeal*." This court has jurisdiction over final judgements in the Circuit Court 28 U.S.C. 1291. Petitioners Writ Of Certiorari is timely submitted and complies with the provisions of Supreme Court rule 10. (a).

I.
REASONS FOR GRANTING CERTIORARI

One of the oldest common law rights, which was signed into statutory law by the **1st President of the United States George Washington** prior to the ratification of the Bill of Rights, was the right of Americans to act as their own lawyers. The Trial of William Penn and William Mead (1670) 1 Schwartz 144; 6 How St. Tr. 951 (1670); Haines v. Kerner 404 U.S. 519. However, today private bar corporations with special interests for professional lawyers have done everything in their power to obstruct individual Unites States born citizens from litigating their just causes. In spite of this oppression and prejudice, some very important and precedent setting cases have been brought to the Court's attention by tenacious Pro Se litigants. One such case, Gideon v Wainwright 372 U.S. 335, caused this Court to require that attorneys be for those individuals who could not afford one in state court criminal proceedings.

From the very beginning of this case, the defendants, their high powered attorneys and the State and Federal Court Judges have been willfully obstructing petitioner's meaningful access to the Courts in **violation of the US Const. Amend. 1 sec. 9 (*titles of nobility*), 4 (*due process*), and 14 (*equal protection*)** and the Bill of Rights seventh amendment stating that: ***". . .the right to trial by jury shall be preserved."***

The Circuit Court Judges have shown bias for personal interests in the outcome of the case because it sues for damages against defendants within the State of California government and defendants of celerity status and power in the entertainment industry, which include Robert Zmuda (Bob Zmuda). **Bob Zmuda** is famous for his appearances in **Comic Relief** charity events with a star studded cast hosted by multi-million dollar box office attractions that begin with **Robin Williams, Billy Crystal** and **Woopie Goldberg**. Controlling law requires Petitioners in civil rights cases to be

given leave to amend, and the 1st amended complaint before the court was amended before it was served to any of the defendants. In addition, the lower Courts have shown discrimination against Costner because is a woman litigating her case in pro se and they don't want briefs documenting the professional misconduct of officers of the Court being entered into public record.

This case is a textbook example of corruption within our legal system. Defendants have made a mockery of the constitution. Such ill intent is a clear and present danger to the lives, liberty and property of Ms. Costner and all in America. Therefore, certiorari should be granted in the interest of the Peoples' justice.

The 9th Circuit denied petitioner due process, failed to conduct an independent review of the record, the merits of this case or the controlling law. The appellant court refused to hear oral arguments and set a secret hearing to arbitrarily deny petitioner's appeal. They made no order in the form of an opinion to address the issues of the appeal. The memorandum of their decision is attached, app. p.15.

The lower Courts orders are the same for all defendants before the court. In violations of the Separation of Power, please see appendix p.19, where all the branches of the California government and the state defendant are dismissed as "State Defendants", app. p. 19. In the appendix is the lower courts improper ruling in favor of defendants Comic Relief, Inc., Robert Zmuda and Dolly Kellerhouse (erroneously dismissed as Florence Kellerhouse) claiming findings based on their motion to dismiss which improperly argued facts within the instant complaint of which can not be allowed by the court rules and controlling law in motions to dismiss, see appendix p.18; www.costnervcomicrelief.com

II

The United States Constitution protects the rights of all Americans not only those who have money and power.

Cherylynn Costner, who has never been to law school, armed only with her patriotic beliefs expressed by America's Founding Fathers, has in pro se pursued justice out of moral outrage over the betrayal of the very governing principals of our nation. Betrayal executed by a legal system of lawyers and judges who have consistently through acts and omissions lied about facts and law, willfully refused to follow statutory controlling law or their own procedure. Petitioner contests their confident feeling that they can get away with their criminal and treasonous acts in this case, which on their face would have been judged by the Founding Fathers to be a wanton rebellion against the Supreme Judge of the Universe and high treason against the American People.

The Judges in collusion with defendants willfully violated the most rudimentary principals of decency and justice, taking advantage of her because she was a woman who was forced to defend herself without professional help. The Judges revealed their prejudice by acting as one with defendants, deprived petitioner of meaningful access to the courts, her right to be heard or due process, where all the rights expected by any civilized people, much less the commands of the United States Constitution, were reduced to nothing less than a farce, a sham and a nullity.

> ***"The Court has a Constitutional Duty to confine an inferior Court to a lawful exercise of prescribed authorities, and to compel it to exercise its authority when it is its duty to do so,"*** Marbury v. Madison, Cranch 137

III

It is the responsibility to have this Court to preserve a rule of law and not the rule of men.

The allegation that judicial absolute immunity is unconstitutional is one of the major issues raised in plaintiffs Ms. Costner and Let Go Productions' initial complaint. Plaintiff's instant complaint states that these defendants conspired to deprive her of her civil rights. **United States Supreme Court Justice Brandas** warned over sixty years ago that if the government, which the Courts are part of, do not scrupulously obey the law that we will have anarchy. The Judiciary Act of 1789 no. #13, U.S. Supreme Court, U.S. Ex REI Crawford v. Addison 22 HOW 174.

> *"This Court is compelled to use its authority and Power to protect the integrity of our Constitution, the integrity of our Judicial System, and to use the vehicle of the Writ of Mandamus probably to accomplish this,"* U.S. Martinez 667 F2d 886; 28 U.S.C. 1361, 1651.

The instant complaints cause of action on Breach of Judicial Duty requires a jury to decide the facts and the law.

Does the United States Constitution allow any state or federal judge to ever disregard truth, facts, law and even their own court rules to give the powerful elite a winning decision? The defendants and certain members of the Judiciary have alleged that the criminal acts they intentionally, knowingly and willfully committed against Cherylynn Costner and Let Go Productions and in favor of all defendants are un-punishable under their self-granted protections of the Sovereign Immunity Doctrine. The fact is that, to the contrary

of defendant's opinion, there is not any branch of the government in the United States that is, or ever was, a sovereign. In the United States, it is *"We the People"* who are the sovereigns.

The only lawful immunity the government defendants could have under the provisions of the doctrine would results from an accident or mistake committed through the functions of their duties (under the oath of their office to uphold the United States Constitution) as administrators of justice.

The United States Constitutions' civil right given to petitioner to redress government means that when these entities and employees willfully conspire to undermine petitioners' constitutional protections they have completed acts outside of their job duties and are committing high crimes against We the Government (people); Declaration of Independence (In Congress July 4, 1774). To allow evil plotters, who pretend to be fair and honorable judges, to give themselves immunity is like Frank James giving Jessy James immunity to rob banks or for the Dictator of NAZI Germany Aldoph Hitler to give China's Chairman Mow immunity for the murdering of millions of his own people.

> ***"Under stare desisisi, all tribunals exercising inferior jurisdiction are required to follow decisions of courts exercising superior jurisdiction,"*** Auto Equity Sales, Inc. v. Superior Court (**9th Cir.** 1962) C.R. 57, 2d 454-459.

The controlling law regarding pleading requirements in pro se civil rights cases are clearly defined requiring leave to amend and a list of deficiencies if there were any, Noll v. Carlson 809 F.2d 1446 (**9th Cir.**); Bretz v. Kelman 773 F.2d 1026, 1027 n. 1 (**9th Cir.** 1985) (en banc) and "*must construe the*

pleadings liberally," Karim-Panahi v. L.A.P.D. 839 F 2d 621, 623 (**9th Cir.** 1988).

The Founding Fathers established a **new nation under God** and of laws where nobody was, is or ever can abide by the United States Constitution and be placed above the law. The violation of these laws will eventually bring divine retribution upon the entire nation. In quoting the 3rd President of the United States, **Thomas Jefferson,** ***"I tremble for my Country when I reflect that God is just."***

Furthermore, in violation of the Federal Rules of Civil Procedure, rule 11 the government defendants seek to delay the entire proceedings and compound their depravation of Petitioners rights by misapplying the Sovereign Immunity Doctrine for a purpose that it was *not* intended.

> *"The equal protection clause of the US Constitution 14 amendment provides that a law that is used for a purpose that it was not intended, is grounds for Purposeful Availment of the Law,"* Arlington Hieghts v. Metropolitan Housing Corp 429 US 256.

Petitioners request certiorari for your fair and truthful review of the record in this case so that the case will be remanded back to the district court for a full trial on the merits before impartial judges.

IV

Professional lawyers and their bar associations alleged violations of Anti-trust laws and Racketeering Influenced Corrupt Organization having created a monopoly on the practice of law with the exclusive access to meaningful access to the court is unconstitutional.

As a result of the unconstitutional monopoly that the state bar licensed lawyers have established over our legal system, the government and courts they have willfully created a system where only those with unlimited resources can expect to have meaningful access to the courts and justice. In this fixed system, defendants Bob Zmuda, Comic Relief, Inc., Home Box Office et. al. with their money, celebrity status and political influence can totally flaunt the law like an organized crime syndicate and have their criminal activities covered up and protected by the legal system which very purpose is to protect to weak from the strong.

The defendants and their lawyers in collusion with other lawyers, who had been appointed to be judges, from the beginning of this case up through and including the **9th Circuit Court of Appeals,** have willfully lied about facts, law and even refused to comply even with their own rules. The judges at every opportunity acted as advocates for defendants even though defendants had retained top legal talent to protect their interest. As a result of this immoral and unconstitutional monopoly the judges have willfully used their office to deprive Petitioner of any hearing on the merits or to develop a factual record for appeal. Adding insult to injury, the lower courts advance for defendants an order that Costner can not seek remedial relief for damages without the use of a member of their exclusive private bar corporation at her financial expense Let Go Productions, an unincorporated business of which she is sole proprietor.

The defendants multiple attorney's have a reputation of being some of the top legal talent in the State of California if not the nation, consistently in the past appellant has been discriminated against and rights violated because she did not allegedly meet the mythical standard of a practicing lawyer. These lawyers however make error after error without excuse, as they know the rules require certain actions on their part, which they have willfully refused to comply with.

For example, the 9th Circuit Court of Appeals ordered Ms. Costner In Pro Se, to re-submit her appellant's opening brief with multiple copies to the court and all of the defendants her because it was one font point off (12 instead of 13) before the clerk would file her documents. Ms. Costner resubmitted at great expense of time and money for second copies and shipping. The California Attorney General' reply briefs failed to have the address, telephone number and State Bar number of the attorney on the front page of the brief to be filed by the clerk. Mr. Zinger, Deputy Attorney General, with his staff of assistants was able to have their reply briefs filed containing numerous transgressions of the required compliance with the rules. His errors far more deviating from the rules than for a pro se litigant to be one type point font off.

Further proof of the monopoly is that the Separation of Powers Doctrine requires three individual branches of government to have separate interests and duties. How then can one lawyer, especially Theodore Zinger who is an employee of the executive branch of government, specifically the Attorney General's office, represent the California State and its Governor, Judiciary and the Legislature? Furthermore, as a sovereign citizen of the State of California, Deputy Attorney General Zinger has been grossly negligent in representing the people's interest, which raises the specter as to whether he is even competent to represent anyone at all much less the people of the great state of California. If this

court will take action to dissolve the monopoly on the practice of law, the defendant's professional lawyers, including the Deputy Attorney General of the State of California, would have to meet at least the minimum standard required by newly admitted state bar licensed lawyers as Costner In Pro Se has been held throughout the proceedings. The playing field should be level.

> ***"Star chamber stood for swiftness and power; it was not a competitor of the common law so much as a limitation on it,"*** Faretta v. California 422 US 806, 821.

These issues are of national importance and of a constitutional magnitude. Therefore, to protect the integrity of our judiciary Petitioners request that the United States Supreme Court accept certiorari, and use Costner's suffering and sacrifice as a means of checking this evil monopoly on law and restoring to America *"justice for all."*

V.

Petitioners constitutional right to fair notice, due process and equal protection of the law can not be waived by the court based on her gender.

The petitioner Cherylynn Costner's father, **Rt. Lt. Col. Hewlette Rogers Brown** taught his daughter at a young age about the Bill of Rights and the Declaration of Independence and it was for this premise that incalculable numbers of Americans have fought and died for. He had personally lost many good men under him, friends and commerads alike, fighting for the very rights that his daughter is being deprived. She knew first hand through her father, who was awarded the Silver Star for gallantry in action as a **World War II Unit (5) Tank Commander** with the Fourth Infantry Division under General George Pattons' Third Army during three campaigns in Germany, the value of civil rights and the consequence of losing civil rights. Her father had also assisted in the organizing of the original Nuremberg War Crimes Tribunal of Nazi Government officials. From his first hand knowledge, Rt. Lt. Col. H. Rogers Brown has stated many times that he has noted a ***"distinct parallel between the judges and lawyers in this case, and the arrogance of he defendants in the 'Nuremberg War Crimes Tribunal.'"***

The **Nuremberg War Crimes Trial** ironically was based upon the trial at the Confederate Prison at Fort Sumpter where the findings were that the following of the orders of a superior that violated both moral and lawful conduct was no defense against the charges of crimes committed. It is also interesting to note that in federal criminal law there is a Jewel Doctrine that holds also that willful ignorance is no defense. Plaintiff Costner was brought up to believe that the United States Constitution and the rule of law are sacred in America where the rights of women and children were honored by the courts as much as the rights of men.

Ms Costner has no formal legal training, law firm staff of assistants and paralegals, nor has she been paid to litigate this case as are the other attorneys who earn more income the longer they can keep the case in court. Yet, due to judicial discrimination against her and in favor of the defendants Costner and her just cause have been forced to endure a legal charade since April 15 of 1994 in the Los Angeles County Superior Court, in the State of California, Zmuda v. Brown. LA. Cal. Superior Court no. BS 28195.

Through out this case the defendants have raised as a straw man their major issue that Ms. Costner had no rights because she and Mr. Zmuda where romantically involved. The issue of romantic involvement as far as the business and professional relationship legally is totally irrelevant. However, it does show the manifest evil inflected upon Ms. Costner by Mr. Zmuda, who engaged in the greatest possible evil of betraying a trust not only of a friend but also of an individual who had assisted him in achieving his business goals; US Const. 13 amend. Bob Zmuda intentionally used an emotional attachment to him that he had encouraged for the purpose of conspiring to deprive her of her civil rights, making Ms. Costner a vulnerable victim in the extreme; Griffen v. Breckenridge (1971) 403 US 88.

One of the projects that Ms. Costner and Let Go Productions was to produce with Mr. Zmuda was a Tony Clifton story similar to the recently released multi-million dollar theatrical feature film Man on the Moon in which defendant Robert (Bob) Zmuda was an Executive Producer. Man on the Moon was released after the 1st Amended complaint was filed at the District Court being a successful movie at the box office and the film had a character which was a manipulative deceitful person that was a mirror image of himself and was even named Bob Zmuda. This is just one small example of the income lost by Ms. Costner by Zmuda's

treachery and betrayal. Even though Tony Clifton was mentioned in the instant complaint the prejudice of the Courts against Costner and in favor of Zmuda and his co-conspirators/co-defendants denied plaintiff of all of her rights to a hearing on all causes of action to establish damages for proper remedy.

Not only was Costner deprived the financial and business arrangement promised by Zmuda but even worse he schemed to totally destroy her, her career and Let Go Productions by conspiring to have her go out of town and in her absence changed the lock on her home/office doors left her penniless and homeless while mockingly telling her that she had no rights because ***"my lawyers are bigger than your lawyers"***. The court record undisputedly states that Zmuda claimed to have ***"Nazi tendencies."*** Hitler aimed to destroy the constitution by lack of due process. In 1920, Hitler took the name Nationalsozialische Deutsche Arbeiterpertei National Socialist Workers Party) and called for the Jews of Germany to be deprived of their civil rights.

> *"The Nazi camp system effected every aspect of the prisoners lives, achieving its purpose by exposing the prisoners to intolerable living conditions . . . and generally seeking to Humiliate the prisoner in every possible way,"* Encyclopedia of the Holocaust, vol. 3, p. 1148.

Zmuda admired Hitler's use of comic mediums to reduce the perspective of civil rights of the Jewish people in Germany Societies. We are Americans in the United States and not Germans. Zmuda's right of freedom of speech may allow him to abuse women in the name of comic entertainment, as he appears to have made a sport of it with old clients like Actor/Comedian **Andy Kaufman** whose life story was featured in the film Man on the Moon. Zmuda's abuse of women does not belong in the Courts for laughs. Such abuse are grounds for Costner to prove damages and it

is the Court's duty to protect Costner from Zmuda and his co-defendants reckless disregard for women's civil rights.

Petitioner advances the fact that the fourth and fourteenth Amendment of the US Constitution provides its rights to both women and men. Therefore the Court's have caused irrefutable harm to petitioner by their perpetual use of an irrelevant romantic relationship to obstruct justice in this case.

VI

The United States Constitution commands justice for all and it creates an incurable conflict of interest for the courts to obstruct justice for the sake of a parties' money and political influence.

There appears to be a large element within our legal system which, include State Bar licensed lawyers and lawyers acting as judges, who have reached a Secret Agreement amongst themselves, of what amounts to an unwritten doctrine. This *"Secret Agreement"* hold that the US Constitutions' commands and protections apply exclusively to the rich, powerful and politically connected. People who do not have money to hire high priced and politically connected state bar licensed attorneys in fact have no rights against such predatory power.

The petitioner has been discovering that she is not alone in being a victim of this manifest corruption in our legal system. The general public opinion is coming to the sad reality that imposters of justices have invaded our sacred legal system. As is evidenced in this case, now the system is fixed to only give the illusion of the rule of law and constitutional commands. The Court's unconstitutional application of law in the interest of those who have the most money and influence to have their way regardless what is right, just or the rule of law has taken on the appearance more of a black art of Voodoo and hocus-pocus.

The un-constitutional monopoly on the practice of law deprives *"We the People"* of the right to be independent sovereign counselors at law whose loyalty like that of President of the United States Abraham Lincoln lies with their own personal integrity and the exclusive interest of their client and not that of the legal establishment or the State as in Star Chamber courts, **Due Process and Slow Process in the**

Late Elizabethan-Early Stuart Star Chamber, 6 Am. J. Legal History 221-249, 315-346 (1962).

With the Bar's power to revoke a lawyer's State Bar license and to punish lawyers who displease the power elite or the government, very few lawyers are willing to risk their careers in the interest of truth and justice for those like the petitioner in this case.

Whenever individual citizens, such as petitioner, who can not afford or can not trust a lawyer to truly protect their rights and begins to reach a level of competence, the judges themselves begin to display their real function as lord high protectors of the rich and powerful. As proven in this case, the lower courts willfully lie about facts, law and evidence willfully refuse or obstruct pro se litigant such as petitioner from making their just cause having meaningful access to the courts. In fact, as the Brown v Zmuda record shows, in the State Superior Court, Judge Joseph Kalin informed plaintiff Cherylynn Costner that because she was not a lawyer he would not allow her to litigate her case before the court.

> *"If there is any truth to the old proverb that 'one who is his own client has a fool for a client,' the Court by its opinion today now bestows a constitutional right on one to make a fool of himself,"* J Blackmun, dissenting, Farretta v. California 422 US 806, 852 (June 30, 1975)

Furthermore, in the federal courts when plaintiff in pro se made various defenses including a default judgement against defendants, District Court Judges began acting as lawyers for the defendants.

Finally, Costner's legal skills obtained sufficient competence to win her argument before the California Court of Appeals compelling the court to issue a remitter in her favor. When the Court remanded the case back to Judge

Kalin for a trial on the merits, not only did the judge ignore the Court of Appeal's instruction by failing to schedule a hearing, the entire court file mysteriously was closed and disappeared according to the court clerks. This is a shocking example of the extent that the legal system and judiciary will go to obstructing even an unlearned in law pro se litigant, who against all odds through perseverance was able to finally prevail to at least have her case heard on the merits.

This is further evidence of the pattern, custom and practice of judges knowingly believing a lie, specifically on point is, the defendants' res judicata argument in the Federal Court that the Brown v. Zmuda had already been decided in the State Court when to this day it has not. The District Court Judge and the 9th Cir judges denied petitioner the right to be heard based on this known lie.

VII

US Constitution and Congress never authorized state and federal lawyers appointed as judges to manufacture facts and law at their whim.

The corruption of the Judiciary and the betrayal of constitutional commands constitute a clear and present danger to the lives, liberty and property of all in America.

> *"This is a difficult case because the Court must review the actions of other judges. The issue is even more difficult because the allegations include not just disputed legal interpretation but also a lack of due process. The Panel Circuit Judges' submitted Memorandum reflects an unwillingness to address or even acknowledge a substantive violation of appellant's rights to due process and equal protection of civil rights,"* Appellants' Motion for Rehearing Enbanc, appendix page 4.

The California Constitution Article 4 section 6 also provides that all laws of general nature have uniform operation. How then did the defendant Los Angeles County, California State Superior Court Judge Cardinas sue sponte waive California Civil Codes to relieve Robert Zmuda's of personal liability in wrongful conversion of Costner's personal property? Cardinas' arbitrary order put Costner, who was homeless at the time, at an extreme disadvantage. After the capricious, ruling Costner left the courtroom and where in the court hallway Mitchell, Silberberg & Knupp attorney, Yakub Hazzard(SBN 150242) accompanied by two thugs threatened Costner and her paralegal with physical harm if she attempted to fight for her rights any longer. *"Organized terror while fighting was going on, the terrorist's main purpose, was to serve as a deterrent,"* Encyclopidia of the Holocaust, vol. 3, 1148. Mr. Hazzard's illegal conduct was immediately reported to his law firm and the State Bar of California who react to Hazzards conduct as if it's just routine business, no action was taken to protect Costner by these

officers of the court. In the mail Costner suddenly received notice that Judge Cardinas without any motion filed by either defendants or plaintiff for a change of venue, transferred the entire case to the Superior Court of Modoc County at the state boarder California and Oregon. The court ordered her to file any papers and appear in order to move the court to correct their cruel violation of the laws preventing conspiracies to deprive her of civil rights under the color of the law. The civil rights depriving move by Judge Cardenas to intentionally protect Comic Relief's President Bob Zmuda made proceeding in that case impossible.

> *"**The Star Chamber** not merely allowed but required defendants to have counsel. The defendant's answer to an indictment was not acceptable unless it was signed by counsel. When Counsel refused to sign, for any whatever reason, the defendant was considered to have confessed. Stephen commented on this procedure: **'There is something specially repaginate to justice in using rules of practice in such a manner as debar a prisoner from defending himself, especially when the professed object of the rules so used is to provide for his defense."*** Faretta v. California 422 US 806, 830 (1975)

The Court obstructed Costner's access to the courts by ordering her file and make appearances on any further pleadings exclusively at the Modoc Court house. The Superior Court of Modoc County is a 16 - 20 hour car drive (four day trip round way) from Los Angeles. Zmuda had conspired to make her homeless and broke and needing to depended on public transportation, which the court knew from the record that she was suffering from economical battery Zmuda had inflicted upon her.

These blatant acts of denial of fundamental due process and equal protection in this case constitute a clear

and present danger to the lives liberty and property of all in America. In addition, such obstruction of justice by joint players constitute a conspiracy to effect the defacto over throw of the United States Constitution and replace it with a form of despotism.

The integrity of the entire legal system now stands in jeopardy by this greatest possible betrayal of the public trust by State Bar licensed lawyers and judges. It is this courts' right and duty through its supervisory responsibilities and as guards of our liberty while there is yet time to restore the credibility and the integrity of our legal system before the American People are forced to take matters into their own hands and to protect our collective liberty.

VIII

JUSTICE DEMANDS THAT A FAIR AND IMPARTIAL JUDGE PRESIDE OVER THE HEARING IN THE DISTRICT COURT WITH A TRIAL BY JURY.

There is an incurable conflict of interest between the District Court Judges and the defendants in this case. The judges are acting as advocates for the rich and powerful and discriminating against pro se litigants as a pattern, practice and custom. Podlasky v Price (1948) 87 CA 2d 151 states that the conduct of a judge in making statements calculated to intimidate the litigants and council and to confuse the witness is grounds for reversal.

Plaintiff has been denied meaningful access to the court. Allowing plaintiff to file documents with the court does not mean that she has in fact access to the Court. The access must be meaningful. *"History shows that the practice of law in its nature can be the noblest and most beneficial to mankind, however through its abasement become the sordid and pernicious as warned by Lord Bolingroke"* People EX. Rel Buckley v. Salonon 56 N.E. 815, 818-819. Ryland v. Shapiro 708 F.2d 967, 1983.

The 9th Circuit Court of Appeals failed its duty as protectors of civil liberties by further advancing factual findings unlawfully advanced in the District Courts granting of motions to dismiss. The record shows the Court did not allow petitioner any evidentiary hearing to dispute the factual validity of the allegations claimed in to motions to dismiss.

In addition, the defendants State Bar of California, County of Los Angeles, Mitchell, Silberberg & Knupp, Wellcome, Fienman & Applegate, & John Davies were Entered into Default by the United States District Courts' Clerk. The District Court Judges lied about facts in their *sue sponte* rulings their own motion on behalf of defendants **State Bar of California, County of Los Angeles, Mitchell,**

Silberberg & Knupp, Wellcome, Fienman & Applegate. The Magistrate Judge Virginia Phillips claimed that she relieved them of default because they *timely* filed. The order failed to specify how it was timely when the actual dates on all the original courts filed motions were not all file stamped or served on or before the day the moving documents were due, and the record contained no other evidence entered by defendants. In fact, under the protection of the biased District Court Judges, Wellcome, Fienman & Applegate never had to follow the courts rules or instructions on the Summons to serve the plaintiffs a copy of the motion to dismiss her complaint. Therefore, it is not too surprising that the County of Los Angeles would have to include a file a proof of service for their motion to dismiss the instant complaint with the court as evidence of when the document was served to plaintiffs. John Davies remained in default and Dolly Kellerhouse who accepted personal service of the summon has never made a motion as directed by the Summons and the defendants pretend without supporting evidence that Dolly Kellerhouse does not exist. The Court failed to grant Costners' request that there be evidence of Dolly Kellerhouse's a.k.a "Florence" identification for the record because in was in conflict with the fact that the same law firm, now defendant Mitchell, Silberberg & Knupp, submitted a perjured declaration to the court made by her April 15, 1994 and was granted an order for Dolly Kellerhouse soon thereafter.

It is self evident from the record in the lower court that the judges were acting as the lawyer for defendants. There were strong indications of extra-judicial communication between the trial judge and certain lawyers of defendants, what is even more shocking however, is the following evidence of the 9th Circuit Court of Appeals record which has changed the names of original precession, and or the spelling or the name or title in the court document captions listing of appellant-defendants, please see page 1 of appendix, and compare to the listing of respondents on this writs cover. Do Circuit

Courts commonly switch first names like Joseph Troiani, Ph.D. to Joe Troiani, M.D. ? Or, amend the caption to confuse appellants without notice? It is apparent that these high priced lawyers also have the ability to manipulate the out come of a decision at the court of appeals as petitioners believe that the above stated evidence represents only the tip of the ice berg of ex-parte communication. But fore these obvious slips Petitioner would never have known.

Wellcome, Fienman & Applegate did not even bother to respond to the case at the 9th Circuit Court of Appeals as they know who the Judges are working for by the time it ended up there. It is not fair that none of the defendants in this case have had to play by the rules or honor the constitution.

Whereas the judges have acted outside their judicial duty, through by acts or omissions deprive civil rights to due process in this case, petitioner requested that an impartial Article Three Judge be assigned to hear this case that had never been a State Bar licensed lawyer. District Court Judges Wm. M Byrnes, Jr. and Judge Lew not only failed to recuse themselves but also even refused to rule on the motion to have a non-lawyer preside over this case. This causes petitioner to believe that the prejudice in her case is do to the fact that in the entire federal judiciary there is not one judge who has never been a State Bar licensed lawyer.

It was the intent of the Founding Fathers to establish justice for all. The Courts were created, as part of their duty is to be guards of our liberty. The evidence in this case and from that coming from all across the country is that lawyers appointed judges are abandoning their constitutional duty to comply with the rule of law and of being guards of our liberty. Instead judges make arbitrary capricious rulings to reflect their own personal or political agendas while abandoning their constitutional mandate to be first and foremost guards of our liberty. It is obvious from Mr.

Zmuda's statements in the record that he knew that the intent of the legal systems administration of justice had been entirely corrupted. While Costner naively was brought up to believe in the principals of the Founding Fathers she disregarded Zmuda's statements alleging to her that she *"had no more rights than a slave"* and when she discovered that Zmuda was acting out his lust for power as a wealthy and powerful man with a team of Comic Relief, Inc. attorneys at his command, Costner proceeded single handedly to seek protection of her fundamentally basic civil rights to fair notice, due process and equal enjoyment and equal protection of civil rights. The protection of these rights depended on the matter to be heard before a fair and impartial Judge.

> *"**The Founders believed that self representation was a basic right of a free people.** Underlying this belief was not only the **anti-lawyer sentiment** of the populace, but also the "natural law" thinking that characterized the Revolution's spokesmen,"* Faretta v. California 422 US 806, 830 (1975)

To her surprise, Costner has discovered that Zmudas' claim of the corrupting of the People's legal system by State Bar licensed lawyers was a fact in this case had been rooted in decades of deployment by defendants in this case and is steadily getting progressively worse over the years. It appears that now the legal system takes on all the attributes of the evil tyranny that the Founding Fathers fought for our independence from England and countless others have fought and died to defend.

It is the United States Supreme Court's Constitutional duty to protect the integrity of the Court's truth seeking function and to assure that judgement is not done in secret sessions, but is done in open court before a real (uphold his oath of office) judge. The consequence of this evil is the inevitable loss of the entire government's integrity and the

loss of people's trust that their Court's will in fact administer justice to all, will be the creation of anarchy that can eventually destroy our nation. This seems to be well on its way to occurring. **Montersquitr D.L. Espirit Delois** in 1748 stated that ***"there is no more cruel tyranny than that which is exercised under the cover of law and with the color of justice"*** US v. Annottie 673 F.2d 578-614, 3d. Cir. (1982). This case is a textbook example of private corporations' professional lawyers contaminating the separation of powers and replacing the *"rule of law"* with the *"rule of the law-yers,"* corrupting our countries courthouses and legal process therein.

In the People's interest in justice Petitioner respectfully requests of this court grants certiorari so that an open court may be hear the matter with an honest and non-biased judge to preside over the proceedings and trial by jury.

IX

Petitioners' right to a fair and impartial hearing on the merits has been obstructed by defendant's excess violations of the Separation of Powers Doctrine.

Did the Founding Fathers intend for lawyers to control of all three branches of government? Petitioner believes that the Founding Fathers intended to create States, three branches of government, supportive government agencies and the respective employees including judges to be our employees. It is also important to consider that they did not and would never have ever created an American Bar Association or State Bar of California as an additional limb of the Judicial Branch to cross connect the separation of powers of the other two primary branches of government.

> *"But when a long train of abuses and usurpation, pursuing invariably the same Object evince a design to reduce them to Despotism, it is their right, it is their duty to throw off such government, and provide new Guards for their future security,"* Declaration of Indepenence, (1774)

Plaintiff has discovered that she has been the victim of an illegal and unconstitutional monopoly created by defendants **American Bar Association** and through the **State Bar of California's** licensing of lawyers and where most, if not all judges, are required by law to be lawyers first. These lawyers and judges are in fact, organs of the State, dedicated to serving the interest of the rich and powerful. These lawyers having virtual control over all three branches of government are a creation of the State and create a willful violation of the US Constitutions requirement for the Separation of Powers Doctrine. Certiorari should be issued for merit briefs on this cause of action within the instant complaint in the interest of the People's justice.

X

CONCLUSION

It is the Supreme Courts' Constitutional duty to supervise the conduct of the lower courts, as this court is the only lawfully constitutionally created court with the lesser courts being under subjection to their control and supervision. It was the intent of the Founding Fathers to have a legal system that adhered to the principals of truth and justice.

If *"We the People"* can not count upon an impartial Court as a form where disputes can be resolved by an impartial tribunal, then the courts will lose all integrity, no one will accept the authority of the courts, and as Supreme Court Justice Brandas warned *"will create anarchy, cause every man to be a law unto himself and destroy the nation."*

Petitioner closely followed the recent legal struggle between George W. Bush and Albert Gore, Jr.. She noticed with great interest the fact that they had legions of high priced lawyers descending upon courts in the State of Florida like a plague of locusts to make sure that their every real or imagined right or privilege was fully vindicated. Before this Court they had protecting their interests some of the best legal talent in the country and they had their day in court. Petitioner however, like the vast majority of individuals are being deprived of their most rudimentary rights and just causes because they are denied due process when they attempt to defend themselves acting as their own attorney and the highly technical and complicated procedure created by professional lawyers.

The American people as a result of sharing of information on the Internet **World Wide Web** increasingly

doubt the integrity and credibility of the courts to uphold our heritage and our laws. It is the increasing public opinion that the courts consider the US Constitutional commands and those of the **Supreme Judge of the Universe** for Justice to mean *"Just Us." Just Us* who have money, fame or influence, while for the rest of the people, the constitutional commands for equal justice and equal protection of law has been reduced to a farce and a sham, by the monopoly of professional lawyers who have usurped the Founders' intent for independent consolers at law, and the people's right to protect themselves or to have assistance of council in defending their rights before the court who are not state bar licensed lawyers, as they are defacto organs of the state with an incurable conflict of interest. Therefore, if justice does occurs it is an accident, while petitioner and the vast majority of people are being denied justice, due process and equal protections under the law. It is this Courts' moral and constitutional duty to check this evil like a cancer that is spreading throughout our nation.

A preview of the fruits of this evil which was warn of by Supreme Court justice Brandas has been described by the lead article in today's' Los Angeles Times, December 21, 2000 page 1. The article, Indonesian Justice Run Amok, reports the violence having been created as a result of a corrupted legal system. If justice is not quickly restored for the People in the United States, the violence in Indonesia is only a hair bringer of what can be expected to happen far worst here in America, when a greater percentage of the People wake up and discover that justice in America for most People is a cruel and worthless charade, because We the Sovereign People have been betrayed by the legal establishment and the lower courts.

This Court now has the jurisdiction and opportunity to exercise its constitutional duty to restore the integrity of our legal process and justice for all. Because it appears that the

"Emperor has no clothes on" the damage being inflected upon the rule of law and our constitutional republic may soon be beyond repair. **Then all the Kings horses and all the Kings lawyers will not be able to be able to put the Humpty Dumpty of the illusion of justice, the rule of law and the Judiciaries' integrity back together again.**

The US Supreme Court. Issued an unprecedented ruling, handed down its decision on the vote counting in the Florida State Presidential elections in part because the counting process deprived the people of due process and equal protection of the law. The issues raised by Petitioners raise an issue of far greater importance, which has to do not with the integrity of a few votes, but with the credibility and constitutional validity of the administration of justice in our courts through out this nation.

Petitioners therefore pray for this court to authorize certiorari in this case in the People's interest in justice.

Respectfully re-submitted,

Dated: March 5, 2001

Cherylynn Costner
In Pro Se, as Petitioners

Supreme Court, U.S.
FILED

00 1480 DEC 22 2000

OFFICE OF THE CLERK

No. 00-3-421

In The
Supreme Court of the United States

CHERYLYNN COSTNER; LET GO PRODUCTIONS,

PETITIONERS,

v.

COMIC RELIEF, INC.; HOME BOX OFFICE; ROBERT ZMUDA; JOHN DAVIES; JOSEPH TROIANI, PH.D.; DOLLY KELLERHOUSE; STATE BAR OF CALIFORNIA; MITCHELL, SILBERBERG & KNUPP; WELLCOME; FIENMAN & APPLEGATE; CALIFORNIA STATE JUDICIARY; CALIFORNIA STATE LEGISLATURE; AMERICAN BAR ASSOCIATION; GOVERNOR PETE WILSON; COUNTY OF LOS ANGELES; STATE OF CALIFORNIA; DOES 1 THROUGH 92,

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI TO THE 9TH CIRCUIT COURT OF APPEALS.

APPENDIX FOR WRIT OF CERTIORARI

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22 pp

TABLE OF CONTENTS

ORDER Page 1

APPELLANTS CHERYLYNN COSTNER AND LET GO PRODUCTION'S REQUEST FOR A REHEARING EN BANC
Page 3

9th Cir. Memorandum Page 15

D.C. Judgment for Comic Relief Page 18

D.C. Judgment for State Defendants Page 19

D.C. Order Page 20

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

August 24, 2000

CHERYLYNN COSTNER; LET GO PRODUCTIONS,

Plaintiffs-Appellants,

vs.

ROBERT ZMUDA; COMIC RELIEF, INC.; HOME BOX OFFICE; JOHN DAVIES; JOE TROIANI, M.D.; MITCHELL, SILBERBERG & KNUPP; COUNTY OF LOS ANGELES; STATE OF CALIFORNIA JUDICIARY; STATE BAR OF CALIFORNIA; STATE OF CALIFORNIA; WELLCOME, FEINMAN & APPLEGATE; CALIFORNIA STATE LEGISLATURE; FLORENCE KELLERHOUSE; THE AMERICAN BAR ASSOCIATION; PETE WILSON, Governor,

Defendants-Appellees.

No. 99-55803

DC# CV-97-09530-WMB

Central California (Los Angeles)

ORDER

Before: PREGERSON, FERNANDEZ, and WARLAW, Circuit Judges.

The panel has voted to deny Costner's petition for rehearing and for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. See Fed. R. App, P. 35.

The petition for panel rehearing en banc is denied.

No further filings will be accepted in this closed appeal.

No. 99-55803

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

CHERYLYNN COSTNER; LET GO PRODUCTIONS,

Plaintiffs and Appellants,

vs.

COMIC RELIEF, INC.; HOME BOX OFFICE; ROBERT ZMUDA; JOHN DAVIES; JOSEPH TROIANI, PH.D.; DOLLY KELLERHOUSE; STATE BAR OF CALIFORNIA; MITCHELL, SILBERBERG & KNUPP; WELLCOME, FEINMAN & APPLEGATE; CALIFORNIA STATE JUDICIARY; CALIFORNIA STATE LEGISLATURE; AMERICAN BAR ASSOCIATION; GOVERNOR PETE WILSON; COUNTY OF LOS ANGELES; STATE OF CALIFORNIA; Does 1 through 92,

Defendants and Appellees.

APPEAL FROM FINAL DECISION OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

APPELLANTS CHERYLYNN COSTNER AND LET GO PRODUCTION'S REQUEST FOR A REHEARING OR A REHEARING EN BANC

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INTRODUCTION AND STATEMENT OF APPELLANTS IN PRO SE

Cherylynn Costner and Let Go Productions, appellants in Costner vs. Zmuda, No 99-55803, seeks rehearing en banc of the May 22, 2000 Panel decision (Pregerson, Fernadez, and Warlaw) concerning the 1st Amended Complaint against defendant/respondents for damages for conspiracy to violate and violations of the **Ku Klux Klan Act**, **Deprivation of Civil Rights** among other causes of action seeking **Injunctive Relief** and a **Demand for Trial by Jury**.

This case is of National importance because the civil right of every United States citizen is what makes our country a free land. What could be of more National importance than for Civil Rights to be a REALITY and not just words that people talk about?

This is a difficult case because the Court must review the actions of other judges. The issue is even more difficult because the allegations include not just disputed legal interpretation but also a lack of due process. The Panel Circuit Judges' submitted Memorandum reflects unwillingness to address or even acknowledge a substantive violation of appellant's rights to due process and equal protection of civil rights.

Summing up the 60 page first amended complaint as one arising from a personal relationship with Zmuda in the Memorandum of review De Novo would make the *"Average Man"* wonder if the Panel had read the appellant's brief or lower court file at all.

The defendants and courts have, in an apparent effort to distort the facts and divert the Court's attention from the issue at hand, consistently portrayed this case as one involving a personal relationship with Zmuda. This is a diversion from the facts within the first amended complaint. In reality the litigation in the instant case springs from a

malicious breach of contract between Zmuda (and his Corporation, Comic Relief) and Costner (and her company, Let Go Productions). The sanctity of the right to contract is at issue here. Is the existence of a personal relationship a total defense from breach of contract? If so, this is truly new law untaught in any law school and not found in any lawbook.

Zmuda solicited Costner's assistance to help him produce his multi-million dollar fund-raisers for Comic Relief, Inc., in return for her personal assistance and years of experience in the entertainment industry. Zmuda promised to pay for the projects under development for Costner and Let Go Productions and to use his connections in the Home Box Office his parent company and other connections he had.

However, after Costner fulfilled her part of the agreement Zmuda betrayed her trust and their business agreement. Zmuda stated that he could get away with any illegal acts against her because he had money and power to hire professional lawyers to deprive her of civil rights and any semblance of justice. On this point Zmuda is beginning to appear correct.

This case that started as a breach of contract and has evolved into a case whereas Zmuda, with his money and lawyers, have been aided by those lawyers appointed as judges, to knowingly and willingly conspire to deprive petitioner of her most basic rights, including:

(1) meaningful access to the courts;
(2) the right to be heard on the merits of the case;
(3) Due process and equal protection of the law.

This legal abuse has reduced all of her rights to nothing more than a farce, a sham, and a nullity. The Los Angeles, California District Court, here and now, continues to compound this male conspiracy. This trend within the legal system is causing irrefutable harm to the integrity of the court process and this case should immediately be remanded to the District Court for full discovery and a trial on the merits.

The instant Memorandum in error of material and controlling facts because:

(1) The Panel alleges that it appears beyond a doubt *that "Costner can prove no set of facts in support of her claims"* which would entitle her to relief in her lower court filings. This is a manifest error of fact and law in a civil rights case.

(2) The Court has misapplied the case law regarding vacating default judgments as in this case no defendants ever appeared prior to the Entry of Default by the District Court Clerk;

(3) The Panel incorrectly stated that extra-judicial bias or deep seated and unequivocal antagonism was not shown in Costner's motion to disqualify Judge Byrne. The Panel supported their misleading statement with a case that involved a trial and multiple recusal motions. Previously in the instant case, Judge Byrne has acted as a defense attorney for defendants. Prejudicially Judge Byrne made numerous motions on defendants' behalf while knowingly making statements that were factually inaccurate and not supported by the record.

(4) The Panel alleges that Judge Lew made a lawful ruling. The truth is however, that as per the Panel's case authority, the counsel's copy was unsigned. In this case however, Lew's unlawful ruling in the Court's original document is in violation of the **Federal Rules of Civil Procedure rule 58** because the Appellants submitted the Certified Copy of the unsigned order in their Notice of Appeal;

(5) The Panel claims that *"the District Court did not abuse its discretion by denying Costner's motion for reconsideration"*. Yet, the law requires the Judge to reconsider if the Magistrates ruling is based on erroneous facts or laws;

(6) The Panel ruled that petitioners' remaining contentions lack merit yet failed to specify which issues they were addressing or on what grounds they made such a decision.

It appears that Judge Byrne abused his discretion b supporting Magistrate Phillips' recommendation. Judg Byrne showed his prejudice and discrimination agains plaintiff by making broad general statements that are no supported by specific examples of controlling law; (a) Byrne falsely alleges that Plaintiff's complaint failed entirely t conform to the pleading requirements of the federal rules o Civil Procedure, he did not specify how they were deficient (b) alleges the plaintiff failed to notify defendants as to which claim pertained to them or which events implicated them in the event she described. Plaintiff in her complaint gave specific details as to the illegal actions being perpetrated upon her by each defendant; (c) the court also alleges that she presented no facts involving the conspiracy of joint players. The law on conspiracies is very clear. The co-conspirators do not all have to sit around the table and collectively agree to the conspiracy and they do not even have to know of the purpose of the conspiracy in toto, see Hobson vs. Wilson 737 F.2d 1, 51 (1984). All that is required in order to join them to the conspiracy is to take some act that would further the goal of the conspiracy, see Sunset Bay Associates vs. Euricka Federal Savings and Loan Association 944 F2.d 1503, 1517 (9th Cir. 1991).

The law also holds that willful ignorance of the conspiracy is also no defense as per the Federal Courts Doctrine called the **Alice in Wonderland Syndrome**.

There is nothing of more national importance than for the citizens of the United States of America to live, work and contract with freedom and security.

PETITION FOR A REHEARING EN BANC

A. The Panel's Opinion is in error in recitation of material and controlling facts and in doing so should be set aside and the matter remanded to the District Court or brought before the Chief Justice and the En Banc Panel for a rehearing.

The Panel states that it appears beyond a doubt that *"Costner can prove no set of facts in support of her claims which would entitle her to relief"* in her lower court filings. This is a manifest error of fact and law. The record proves the District Court's refusal to allow any evidentiary hearing or cross-examination by the Plaintiff-Appellant discovery or a trial by Jury. Secret, ex-parte investigations denying Appellant the opportunity to cross-examine and respond is the only possible way the Panel could make such an allegation against Appellant. That is unfair and forbidden by legal ethics and the requirements of due process and equal protection of the law.

Petitioner must be allowed to proceed to trial and let a Jury decide on the merits of the case if in her moving papers the allegations if proven to be true would entitle her to relief. For the sake of this determination ALL of her allegations against defendants are considered to be true. It is a breach of discretion and obstruction of justice for a Judge not to allow the case to go to trial. Just a further compounding of the conspiracy to violate her rights under color of law.

In addition, the law requires **42 USC 1983, 1985** cases **Bivens** actions require the lower court to specifically state how the petitioners pleadings are defective and give leave to amend the complaint to correct such flaws. The first amended complaint was amended before it and complaint was served to defendants and the District Court Magistrate Phillips misled the court by erroneously stating in her recommendation that the court had granted leave to amend.

The Panel has misapplied the case law regarding vacating default judgements, because in this case, defendants State Bar of California, County of Los Angeles, Mitchell, Silberberg & Knupp and Wellcome, Fienman and Applegate never had ever appeared prior to the **Entry of Default by the District Court Clerk,** the court made its own motions in favor of defendants based on facts not found in the record, and failed to order all defendants to respond to the address for the service on the Summons issued by the District Court.

The Panel incorrectly stated that extra-judicial bias or deep seated and unequivocal antagonism was not shown in Costner's motion to disqualify Judge Byrne. The Panel supported their misleading statement with a case that proceeded through trial and had multiple recusal motions. In this case, Judge Byrne tried to bar the CourtHouse door immediately. The Appellant never had a day in Court and had a right to one recusal based on her affidavit in support thereof.

Illegally, Judge Byrne acted as attorney for his fellow lawyer defendants by knowingly making statements that were factually inaccurate and not supported by the record so that he could protect the wealthy and powerful defendants from having to lie for themselves. This certainly is outside the scope of Chief Judge William Mathew Byrne, Jr.'s Judicial Duties and Oath of Office.

In their moving papers, Defendants are required to be specific regarding flaws in the pleadings. Plaintiffs are also allowed to amend. Then the case should proceed with examining evidence, doing discovery and presenting the facts to a Jury and a fair and impartial judge.

The Panel alleges that Judge Lew made a lawful ruling. The truth is however, that as per the Panel's case authority there is no proof of a lawful order made, There was no minute order issued on this motion. It is therefore impossible for the clerk to know of the judge's lawful intent. The ruling was non

existent, the paper that proported to be a ruling was plaintiff's proposed order, not the judges, and did not comply with the rules of the FRCP rule 58 which requires that the original document have the judges signature.

Appellant included in her Notice of Appeal a District Court Certified copy of the order having no signature of Judge Lew or the signature of any identifiable person on the document. It is therefore self evident that Judge Lew did not produce a minute order nor was his signature as required by **FRCP rule 58 Entry of Judgment**.

The Panel claims that *"the District Court did not abuse its discretion by denying Costner's motion for reconsideration"*. Yet, the law requires the Judge to reconsider if the Magistrates ruling are based on erroneous facts or laws. Judge Byrne showed his prejudice and discrimination against plaintiff by making broad general statements that are not supported by specific examples of controlling law as follows:

(a) Judge Byrnes falsely alleges that Plaintiff's complaint failed entirely to conform to the pleading requirements of the Federal Rules of Civil Procedure, he did not specify how they were deficient. Cases of conspiracy, RICO and Anti-Trust are exempt from the FRCP rule 12 on short concise statements;

(b) Alleges the plaintiff failed to notify defendants as to which claim pertained to them or which events implicated them in the event she described. Plaintiff in her complaint gave specific details as to the illegal actions being perpetrated upon her by each defendant.

The Panel ruled that petitioner's remaining contentions lack merit and failed to specify which issues they were addressing or what ground they made such a decision. It appears that Judge Byrne supporting Magistrate Phillips' recommendation showed his prejudice and discrimination

against plaintiff by making broad general statements that are not supported by specific examples of controlling law.

The Panel is misleading by its footnote 3 on page 2 regarding Let Go Productions' representation by Costner. Having researched the Panel's case authority Church of the New Testament v. United States, 783 F.2d 771, 773-74 (9th Cir. 1986) which on page 773 states that *"Unincorporated associations . . . except in extraordinary circumstances, they can not be represented by laypersons,"* citing from In re Highly, 459 F.2d 554, 555 which states that *"A corporation can appear in a court proceeding only through an attorney at law"*. See, e.g., United States v. 9.19 Acres of Land, 416 F.2d 1244, 1245," which states that " . . . *a corporation can not appear otherwise that though counsel."*

Ms. Costner is the sole proprietor of Let Go Productions having no board of directors or members thereof. Therefore, representation in this case for appellant Let Go Productions by Ms. Costner who represents no other interest than her own is proper under the provisions of **28 USC section 1654** (1964). In addition, the Panel's advanced case states ***"except in extraordinary circumstances"*** which again confirms Costner's right to ask the Jury in the lower court if the Monopoly on the practice of law should deprive her of her right to protect her own interest in business, or should the Bars violations of the RICO, ANTI-TRUST be corrected instead.

B. **The right to be heard by a fair and impartial Judiciary is of National importance effecting the lives, liberty and happiness of every American.**

It appears from the comments in the memorandum that the Panel Judges are or have been conducting their own investigation and engaging in extra judicial communication with defendants and their lawyers as certain statements made are unsupported by the record. This is obviously unfair as it deprives Appellant the right to cross-examination or to refuterate false statements and allegations. *"Justice is the end of*

government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit," James Madison, **The Federalist** No. 51 (1788). The appellants seek justice and the rights to be heard by a fair and impartial Judiciary.

- Appellants seek to have a jury, which is in fact and Constitutional law the trier of both law and fact. Appellants seek to have a jury to determine the legality of absolute judicial immunity whereas she feels that at no time was it the intent of the Founders to allow Judges immunity for willful violations of well established Constitutional and statutory law. In fact, the Founders including Thomas Jefferson considered a Judiciary out of control the greatest possible threat to our liberty and a guaranteed prescription for tyranny.

The law is settled and there is no disputing appellant's right to seek injunctive relief that will prohibit any judge from violating her rights. Judge Byrne showed his prejudice against plaintiff by failing to address the complaint's request for injunctive relief.

If the courts refuse through acts or omissions to deny appellants a hearing on the merits of the case and continue to allow the respondents/defendants in the lower courts to commit perjury and suborn perjury to make fraudulent official filings, then these intentional false statements of fact and law will be indisputable prima face evidence that the entire federal legal system is just as corrupted as the California State Court, and that the professional State Bar licensed lawyers acting as defense attorneys and federal judges have conspired one with another to fix the legal system so they could bar *"We the People"* from meaningful access to the courts and justice. This makes it impossible for Appellant to have her Constitutional Rights protected and makes a mockery of justice.

This constitutes the de facto overthrow of the US Constitution depriving the Court of any credibility as impartial defender of our rights to liberty and justice and the only remedy left will be for the People to demand that Congress prosecute and impeach all of those lawyers acting as judges who are engaging in the greatest possible betrayal of their public trust whose conduct is on its fact a clear and present danger to the lives liberty and property of everyone living in America.

Finally, Costner is a pro se litigant. As such she writes with an unlearned hand. The controlling law by the United States Supreme Court in Hanes vs. Kerner ruled that Pro Se litigants are not to be held to the standard of a practicing lawyer. It is the presiding judges' duty to ascertain which relief she is seeking and use their experience to assist pro se litigants in attaining justice.

C. **The Panel wrongfully denied the Appellant's the right to oral arguments under the provisions of Rules of Appellant Procedure rule 34 (a) (2).**

The memorandum cites **Federal Rules of Appellant Procedure rule 32 (a) (2), which states that oral argument must be allowed**. The Panel failed to cite a subsection that would have exempted them from the need to hear the Appellants oral arguments.

*"**Oral arguments must be allowed in every case** unless a Panel of three judges who have examined the briefs and record unanimously agrees that oral argument is unnecessary for any of the following reasons:*

(a) *the appeal is frivolous;*

(b) *the dispositive issue or issues have been authoritatively decided; or*

(c) *the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would*

not be significantly aided by oral argument," FRAP rule 34 (a) (2) (a) (b) (c).

The Panel's case - authorities are misleading and therefore irrelevant to this case.

The lower courts' orders contain facts not found in the record and were based on facts known not to be true by the defendants. Therefore oral argument should be granted, as it would significantly aid the decisional process of this court, please see Appellant's Request for Oral Arguments.

CONCLUSION

All appellants seek are a fair and impartial trial by their peers. Therefore appellants humbly request that this Court finally require Defendants to play by the rules binding the rest of the citizenry and order the case remanded for discovery and trial on the merits.

In the alternative, the Chief Justice of the 9th Circuit Court of Appeals should calendar in a rehearing en banc on this matter.

Respectfully Submitted,

Dated July 19, 2000

Cherylynn Costner
In Pro Se for Appellants

NOT FOR PUBLICATION

June 7, 2000

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CHERYLYNN COSTNER; LET GO PRODUCTIONS,

Plaintiffs-Appellants,

vs.

ROBERT ZMUDA; COMIC RELIEF, INC.; HOME BOX OFFICE; JOHN DAVIES; JOE TROIANI, M.D.; MITCHELL, SILBERBERG & KNUPP; COUNTY OF LOS ANGELES; STATE OF CALIFORNIA JUDICIARY; STATE BAR OF CALIFORNIA; STATE OF CALIFORNIA; WELLCOME, FEINMAN & APPLEGATE; CALIFORNIA STATE LEGISLATURE; FLORENCE KELLERHOUSE; THE AMERICAN BAR ASSOCIATION; PETE WILSON, Governor,

Defendants-Appellees.

No. 99-55803

DC# CV-97-09530-WMB

1

MEMORANDUM

Appeal from the United States District Court
for the Central District of California
William Matthew Byrne, jr., District Judge, Presiding

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1 This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir. R. 36-3.

Submitted May 22, 2000 (2)

Before: PREGERSON, FERNADEZ, and WARDLAW, Circuit Judges.

Cherylynn Costner (3) appeals pro se the district court's judgment dismissing, for failure to state a claim, her action under 42 U.S.C.§ 1983 and other federal laws. Costner claimed in her 60-page first amended complaint that defendants conspired to deprive her of various constitutional and state rights arising from Costner's personal relationship with Robert Zmuda and ensuing litigation. We have jurisdiction under 28 U.S.C.§1291. We review the district court's dismissal de novo. *See Steckman v. Hart Brewing, Inc.*, 143 F.3d 1293,1295 (9th Cir. 1998).

Because it appears beyond a doubt that Costner can prove no set of facts in support of her claims which would entitle her to relief, the district court properly dismissed her action. *See id.*

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2 The panel unanimously finds this case suiable for decision without oral argument. See Fed. R. App. P. 34(a)(2). Accordingly, we deny Costner's request for oral argument.

3 Although Costner purports to appeal on behalf of Let Go Productions, that entity is not properly represented before this court because Costner is not an attorney. See Church of the New Testament v. United States, 783 F.2d 771, 773-774 (9th Cir, 1986).

The district court did not err by vacating the default judgments because defendants appeared in the action. See Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc., 840 F.2d 685, 689-90 (9th Cir. 1988).

Judge Lew did not err by denying Costner's motion to disqualify Judge Byrne because Costner did not show that Judge Byrne displayed any extra judicial biass or deep seated and unequivocal antagonism. See Liteky v. United States, 510 U.S. 540, 556 (1994). Furthermore, Judge Lew's unsigned order denying Costner's motion to Vacate Judgment was valid because a clerk entered the order into the district court's docket at Judge lew's request, See Beaudry Motor Co. v. Abko Properties, Inc., 780 F.2d 751, 754-55 (9th Cir 1986)

The district court did not abuse its discretion by denying Costner's motion for reconsideration. See School Dist. No. 1J v. AcandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).

Costner remaining contentions lack merit.

AFFIRMED.

February 2, 1999

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV-97- 9530-WMB (VAP)

CHERYLYNN COSTNER;
LET GO PRODUCTIONS,

Plaintiffs-Appellants,

v. **JUDGMENT**

COMIC RELIEF, INC.; et al.,

Defendants-Appellees.

Pursuant to the Order Adopting Findings, Conclusions and recommendation of United States Magistrate Judge,

IT IS ADJUDGED that Defendants Comic Relief, Inc., Robert Zmuda, and Florence Kellerhouse (erroneously named in Plaintiff's complaint as "Dolly Kellerhouse" are dismissed from the action with prejudice.

0

Dated: Feb 2, 1999

WM. Matthew Byrne, Jr.
United States District Judge

February 2, 199

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV-97- 9530-WMB (VAP)

CHERYLYNN COSTNER; LET GO PRODUCTIONS,

Plaintiffs-Appellants,

v.

JUDGMENT

COMIC RELIEF, INC.; et al.,

Defendants-Appellees.

Pursuant to the Order Adopting Findings, Conclusions and recommendation of United States Magistrate Judge,

IT IS ADJUDGED that the State Defendants are dismissed from the action with prejudice.

Dated: Feb 2, 1999

WM. Matthew Byrne, Jr.
United States District Judge

February 2, 1999

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV-97- 9530-WMB (VAP)

CHERYLYNN COSTNER;
LET GO PRODUCTIONS,

Plaintiffs-Appellants,

v.

COMIC RELIEF, INC.; et al.,

Defendants-Appellees.

ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, all of the records herein and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the Magistrate Judge's Report and Recommendation.

IT IS ORDERED that Judgment be entered dismissing Defendants Comic Relief, Inc., Robert Zmuda, and Florence Kellerhouse (erroneously named in Plaintiff's complaint as "Dolly Kellerhouse") from the action with prejudice.

Supreme Court, U.S.
FILED
APR 23 2001
OFFICE OF THE CLERK

(3)

No. 00-1430

In The
Supreme Court of the United States

CHERYLYNN COSTNER; LET GO PRODUCTIONS,

PETITIONERS,

v.

COMIC RELIEF, INC.; HOME BOX OFFICE; ROBERT ZMUDA; JOHN DAVIES; JOSEPH TROIANI, PH.D.; DOLLY KELLERHOUSE; STATE BAR OF CALIFORNIA; MITCHELL, SILBERBERG & KNUPP; WELLCOME; FIENMAN & APPLEGATE; CALIFORNIA STATE JUDICIARY; CALIFORNIA STATE LEGISLATURE; AMERICAN BAR ASSOCIATION; GOVERNOR PETE WILSON; COUNTY OF LOS ANGELES; STATE OF CALIFORNIA; DOES 1 THROUGH 92,

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI TO THE 9TH CIRCUIT COURT OF APPEALS.

SUPPLEMENTAL BRIEF

CHERYLYNN COSTNER
C/O America's Freedom Foundation
1156 Central Avenue, Suite 700
Los Angeles, California 90021
(323) 960-7704
In Pro Se, as Petitioners

LPP

SUPPLEMENTAL BRIEF

A. NEW FACTS EXIST IN THIS CASE

Under the provisions of Supreme Court Rule 15 subsection 8, Petitioners Cherylynn Costner and Let Go Productions' respectfully submit this Supplemental Brief. The new facts being that:

1. None of the respondents or their attorneys filed opposition to the Petition for Writ of Certiorari.

2. The recent verdicts in the *"Rampart Scandal"* prove beyond a shadow of a doubt that the criminal conduct within the Los Angeles County Police Department has occurred as a result of the lower courts' pattern, practice and custom to obstruct justice and that the **LAPD could be sued as a racketeering enterprise**.

3. Last week's Cincinnati riots and the closure of the entire town over the sacred Easter and Passover holiday is indicative that the minorities believe that violence is required in obtaining justice. The corruption of our legal system has caused an increasing number of individuals to believe that there is no justice in our legal system, which has been fixed to serve the interest of the rich and powerful.

This case demonstrates that we have a crisis in California and elsewhere in this nation far worst than the *"Energy Crisis."* What we have is a *"Justice Crisis"* which is on the verge of a total melt down of the People's trust in our lawyers, legal system or the courts willingness to administer *"Justice for All."* This is commanded in the United States Constitution and demanded by a free people. This crisis unchecked by this Court will result in the fulfillment of the prophecy of the U.S. Supreme Court Justice Brandeis almost sixty years ago that the corruption of our legal system will create anarchy and eventually destroy our Nation.

B. RESPONDENTS ARE IN DEFAULT.

It is obvious that the respondents have no defense. In addition, their attorneys did not want to risk filing a frivolous motion or lie to this Court as they have done in the lower courts, where it was obvious they knew that the system of justice was fixed by the judges to deprive the average people of their rights. Respondents now feel that because the United States Supreme Court hears 9% or so of the petitions for certiorari that they can bank on their injustice to be further ignored and covered up under the color of (Supreme Court) law.

They expect the odds to be in their favor that this Court won't accept certiorari from this Pro Se litigant. *". . . Also a claim will not be stale for a laps of time when the owner is prevented from enforcing it,"* Buchannon v. Upshaw 1 HOW 56 11 L. Ed 46.

Petitioners therefore respectfully request that this Court send a message to all those who would abuse their power, and public trust. Let it be know that, even a person of humble position in society with no political power, can at the end of the day know that at least the U.S. Supreme Court's door is not barred to those seeking justice, no matter how insignificant officers of the court assume the little people to be.

It is this Court's moral and constitutional duty to supervise the lower courts and to purify our reservoir of justice. This courts failure to act now would give he appearance that this Court approves this kind of conduct.

C. RESTORING JUSTICE IN THE COURTS IS OF CRITICAL NATIONAL IMPORTANTS

The Court by accepting Certiorari will force the respondents and their lawyers to answer to this Court and to the People their:

1. Polluting of our temples of Justice (Courts);

2. The fixing of our legal system where the outcome is predetermined;

3. Betrayal of public trust;

4. Abuse of power;

5. Obstruction of justice, and;

6. Betrayal of the Courts' duty to be guards of our liberty, defenders of the rule of law and protectors of the Courts' integrity as a truth seeking form where the People can **Peacefully** seek redress for grievances and expect to receive Justice.

The United States Attorney Generals' Office investigated and prosecuted officers in the Los Angeles County Police Department where it was found, in pertinent part that, Police officers obstructed justice and lied to the court. Today, Friday April 20, 2001 US District Court Judge Gary A. Feess ruled again that the Los Angeles Police Department could be sued as a racketeering enterprise, Los Angeles Times, Metro (B section) page 1. Most likely, the L.A. Police officers would not have wanted to commit their crimes unless, like the respondents and their attorneys in this case, they believed they could get away with murder because the system of justice would be fixed in their favor prior to the United States Attorney General' s intervention.

Should our legal system fail to be restored to its Constitutionally mandated function, the lower courts will lose all credibility and be seen by the *"Average Man"* as the home of tyranny. This would leave the People with no other place to turn except to the protections afforded by our U. S. Constitution Second Amendment.

An example of the explosion of *"every man becoming a law unto himself"* happened last week. On Easter and Passover holidays the State of Ohio shut down the City of Cincinnati at dusk due to random violence that broke out between minority people in an

attempt to get the attention of the legal establishment in pursuance Justice because of the deaths of five un-armed local men. If the rioters would have had faith in the Courts to honestly be administers of Justice, the State of Ohio could have avoided suffering millions of dollars of property damage and human injuries.

> *"The mere formal right of access to the Courts does not pass Constitutional muster but rather access must be adequate, effective, and meaningful, and interference with the rights of access to the courts gives rise to a claim for relief under the Civil Rights Act under 1871, and also could be considered as a conspiracy to obstruct justice,"* Ryland v. Shapiro 708 F2d 967 (1983.)

Meaningful access to the courts and fair and impartial administration of Justice effects the lives of each and every American. On April 17, 2001, Mr. Paul D. Clement, Principal Deputy Solicitor General informed Ms. Costner that *"Should the Court invite a statement of our views prior to acting on your petition, we will carefully consider the material you have sent in formulating those views."* Ms. Costner is not a practicing lawyer and as such may not have provided the Court full facts and law to completely explain the issues in her petition. Whereas the issues raised are of national importance, it could be helpful to the Court to request the legal expertise of the executive branch of government to file an amicus brief.

> Chief Justice Earl Warren wrote that *"[The Chief Prosecution witness], by his [tainted] testimony, has poisoned the waters in the reservoir of justice and the water cannot be cleansed without first draining it of all impurities . . .duty, it is to see that the waters of justice are not polluted. Pollution having taken place here, the condition should be remedied at the earliest opportunity. ,"* US v. Polk 607 F2d 840 (1979).

The importance of the issues in this case can not be over emphasized. The ramifications of the evidence in

the record has far greater impact than the *"Rampart Scandal,"* for it is no stretch to conclude that the LAPD corruption is only the tip of the iceberg of the corruption and abuse of power across our entire nation.

A long established principal of Angelo American juris prudence dating back to the King's bench, is that it is the duty of defense attorneys is to defend their clients whole heartedly including the provoking of civil insurrection. To the contrary, the front page of LA Times, April 21, 2001 describes what happens today when licensed attorneys whole-heartedly defend a client. Criminal Superior Court Judge in Oakland, California sentenced Maureen Kallins to twenty days in jail with a fine of 4,300 dollars.

The crime Ms. Kallins allegedly committed was that she aggressive defended her clients Constitutional rights. Yet, Petitioners have brought to the Court's attention the customary treasonous conduct in the lower courts without the fear of losing a license to practice law because Ms. C ostner doesn't have one. This is a timely opportunity for the Court to preserve, protect and defend the United States Constitution and restore "*Justice for All.*"

D. CONCLUSION

For the aforementioned compelling issues regarding preserving the integrity of our legal system, rule of law and our constitutional republic, Petitioners humbly requests for this Court to accept certiorari.

Respectfully submitted,

Dated: April 21, 2001

Cherylynn Costner
In Pro Se, as Petitioners

(4)

Supreme Court
FILED
JUN 27 2001
CLERK

No. 00-1430

In The
Supreme Court of the United States

CHERYLYNN COSTNER; LET GO PRODUCTIONS,

PETITIONERS,

v.

COMIC RELIEF, INC.; HOME BOX OFFICE; ROBERT ZMUDA; JOHN DAVIES; JOSEPH TROIANI, PH.D.; DOLLY KELLERHOUSE; STATE BAR OF CALIFORNIA; MITCHELL, SILBERBERG & KNUPP; WELLCOME; FIENMAN & APPLEGATE; CALIFORNIA STATE JUDICIARY; CALIFORNIA STATE LEGISLATURE; AMERICAN BAR ASSOCIATION; GOVERNOR PETE WILSON; COUNTY OF LOS ANGELES; STATE OF CALIFORNIA; DOES 1 THROUGH 92,

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI TO THE 9TH CIRCUIT COURT OF APPEALS.

SUPPLEMENTAL BRIEF

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12 pp

Table of Contents

1. Substantial New Facts Support Granting the Petition for Rehearing p. 1

2. The Court is Prejudice against Equal Justice for All and in Favor of the Rich, Powerful and Politically Connected p. 6

3. Conclusion p.10

Table of Cases

Pyler v Doe 457 U.S. 202 p. 2
Wayte v U.S. 840 Led 2d 547. p. 2
Jewell v. U.S. p. 2
U.S. v Kransky p. 2
U.S. v Annottie p. 6
Faretta v. State of California p. 7
Napue v Illinois p. 7
Strickland v. Washington p. 8

Table of Statues

Supreme Court Rule 15 subsection 8 p. 1
US Constitution Section 9 subtitle 8 **p. 6**
U.S Const. 13th Amendment **p. 6**
(original 13th amend.)
Jewell Doctrine **p. 2**
Ku Klux Klan Act **p. 2**
Alice and Wonderland Syndrome p. 3
Declaration of Independence **p. 3, 4**
Exodus 20.16 p. 4, 7
Mayflower Compact **p. 4**
Daniel 4.1-33 p. 5
Psalms 82 1-5 p. 5
Isaiah 10.1-3 p. 5
Luke 11.43-54 p. 6
2 Corinthians 11.14,15. p. 8

Supplemental Brief

Cherylynn Costner and Let Go Productions, Petitioners herein, submits this Supplemental Brief under the provisions of the Supreme Court Rule 15 subsection 8 for new facts relevant to this case.

1. Substantial New Facts Support Granting the Petition for Rehearing.

After filing the Petition for Rehearing, Petitioners noticed that there were some inadvertent typographical errors in her petition. The typos may have made certain points not as precise as they should have been. Ms Costner called the Clerks Office regarding the possibility of sending in a letter or an amended Petition to clarify these issues for all of the Justices. She was put in contact with Frank Lorson, Chief Deputy Clerk of the Supreme Court of the United States, and she was shocked to be informed by Mr. Lorson on June 15, 2001, weeks before the conference scheduled for June 28, 2001, that she should not bother as he claimed that the Judges would not grant a rehearing no matter what was submitted. Mr. Lorson claimed that he absolutely knew that the outcome of the conference would be a denial. He aggressively alleged that none of the U.S. Supreme Court Justices were interested in hearing this case which involved the massive corruption in the legal establishment and the judiciary being so extensive that it imperials the credibility of the entire judiciary and the legal system and poses a clear and present danger to the lives, liberty and property of all living in America. Mr. Lorson stated that any effort on petitioner's behalf was *"beating a*

dead horse." **IS DUE PROCESS A DEAD HORSE?** Pyler v Doe 457 U.S. 202; Wayte v U.S. 840 Led 2d 547.

Petitioner was astounded to hear off the record that this Court essentially had predetermined that they would give a stamp of approval onto the corruption in the lower state and federal courts in violation of their judicial duty. Mr. Lorson thereby indicated that all U.S. Supreme Court Justices are guilty of the corruption in our courts in its entirety under the **Jewell Doctrine**, Jewell v. U.S. 532 F2d at 697 (9th Cir. 1976), and compounding this conspiracy under the color of law and another violation of the **Ku Klux Klan Act**.

The record indisputably proves that when the judges and lawyers in the legal system are faced with the truth, facts and law presented by Ms. Costner, a citizen lawyer in fact, these so called *"expert legal scholars and judges"* had to resort to out right and outrageous lying about facts and law in order to protect the rich and powerful they serve. In light of this new revelation, and in abundance of caution to make sure that this Court understands the authority upon which she is bringing the Petition for Rehearing, and this Court's legal and moral obligations to accept certiorari for the purpose of purifying the waters in our temples of Justice as required by the U.S. Constitution and controlling law.

Chief Justice Earl Warren writing for the Court in U.S. v Kransky 670 F 2d 840 (1979) ruled what the courts obligation is when this type of corruption is uncovered and stated the following: This Court has an obligation to be sure that

corruption does not happen in the first place. Secondly, once it has occurred the Court has a duty to immediately the purify waters in our temples of Justice, the waters of which cannot be purified until the reservoir has been totally cleansed of all impurities. Whereas Petitioner is not a legal scholar herself, and unlike the judges and the lawyers, does not have the license to make up the law as she goes along changing it at her whim (**Alice and Wonderland Syndrome**).

However, Ms Costner as an American is obligated to invoke the authority of thousands of years of law springing from the commands of the God of Abraham given through Moses, and through a thousand years of established Anglo-American law that was codified as far back as 1215 A.D. in the English Magna Carter and further solidified under the reign of King Henry III (1216 – 1272) and ratified by the British Parliament, then further affirmed by Sir Edward Coke in 1610, see Civic Duty, **Declaration of Independence** (In Congress July 4, 1776).

This concept of law holds that the King himself will obey the law or pay the price, his refusal brought about the Revolutionary War. At the end of the Revolutionary War the authority of the King was transferred collectively and individually to *"We the People."* The government bureaucracy is not King nor Sovereign, the law however holds that even when the King was the Supreme ruler he was first under the authority of God and secondly under the authority of the law. When he acts outside of those two authorities and according to his own will and interest he essentially is acting outside of his lawful authority

as sovereign and is subject to the penalties of the law. This law that the Founding Fathers embraced was dictated by God himself and is superior in obligation to any other it is binding all over the globe and no human law or of any lawful validity is contrary to this. One of the paramount laws as described in the ten commandments of God given to Moses in **Exodus** 20.16 *"you shall not bear false witness in court (you shall not lie)"* which is obviously the foundation of any truth seeking process as well as the rule of law.

Less there be any misunderstanding of God's authority over this Country and our Founding Fathers intent to comply with the commands of the Supreme Judge of the Universe they stated in the **Mayflower Compact** (Contract) 1620: *"Having undertaken for the **Glory of God** and the advancement of the **Christian faith** and honor of our King and Country a voyage to plant the first colony in the northern parts of Virginia."* On its face it is self evident the religious founding of our nation. One of the major rallying cries through out the revolution was *"we will have no King over us but Jesus."* Even to this day on this Court's Bar Admission Certificate it states *"in the year of our Lord 2001,"* the Lord referred to is Jesus.

The Declaration of July 4th 1776 which further affirms this fact which states in relevant part:

> *"We hold these truths to be self evident, that all men are created equal, that they are endowed by the Creator (God) with certain unalienable rights, that among them are life, liberty, and*

the pursuit of happiness, that to secure these rights governments are instituted among men."

It was further reaffirmed in the Constitution of the United States Preamble the Founder's intent to follow Gods commands for justice where they state as the first commandment *"We the People of the United States in order to form a more perfect union establish justice."*

God himself specifically holds the judges accountable for administering justice and condemns those to eternal punishment who willfully flaunt his law in this regard.

The great King of Babylon Nebuchadnezzar learned that God rules all the Kingdoms of this World, much less judges, see **Daniel** 4.1-33. Furthermore, **Psalms** 82 1-5 warns that:

"1.) God stands up to open Heavens Court. He pronounces judgment on the judges.

2.) How long will you judges refuse to listen to the evidence? How long will you shower special favors on the wicked?

3.) Give fair judgment to the poor man, the afflicted, the fatherless, the destitute.

4.) Rescue the poor and needy from the grasp of evil men.

5.) But you are too foolish and so ignorant, because you are in darkness, all the foundations of our society are shaken to the core." Also see **Isaiah** 10.1-3.

In **Luke** 11.43-54 *"where a lawyer was standing in the audience told Jesus that you have insulted my profession in what you have said. Jesus replied the same horrors await you (lawyers) for you crush men beneath* ***impossible legal demands which you would never think of trying to keep."***

When the government fails to adhere to the above stated principals it is a clear and present danger and a threat to every one in America. This danger was recognized by Monstrquirer De L'Espirit-Del Los who stated that: There is no more cruel tyranny than that which is exercised under color of law, and with the colors of justice," U.S. v Annottie 673 F 2d 528, 614 3rd 1982.

2. The Court is Prejudice against Equal Justice for All and in Favor of the Rich, Powerful and Politically Connected.

The overwhelming evidence is that our federal judiciary is composed of the exclusive class of self appointed nobility, better known as State Bar Lawyers who have given themselves special emoluments in violation of the US Constitution Section 9 subtitle 8. This prohibition specifically designed to prevent lawyers from creating a monopoly was made self evident by the Founders in the original U.S.Constitution 13th Amendment which evidence now indicates was ratified by Virginia the 13th State. The original 13th Amendment demonstrated showed the seriousness of the Founders beliefs in this area by stripping all of those who would establish themselves through a defacto class of nobility of their American citizenship.

The founders of America had a deep seated distrust for lawyers as a result of the teachings of Jesus the Christ and their personal experience of persecution and oppression by lawyers in England. This feeling was so strong that they considered the legal profession the most dangerous of all criminal organizations, right along with highway robbers, murders, extortionists and drug dealers. So much so that they criminalized the practice of law for money, see foot notes Faretta v. State of California 422 U.S. 804. The Founder's wisdom is again proving itself to be true. Increasingly the lawyers through their various political offices, State Bar Associations and through the activity of respondent American Bar Association (ABA) have over the last century begin to use their profession to slowly but surely usurp the People's Constitutional rights to Justice, so they can sell their services at outrageous prices to the affluent upper class and corporate interest. This process has been further advanced by this Court having failed to enforce its own rulings for justice including the ruling of Chief Justice Earl Warren.

Furthermore, Napue v Illinois 360 U.S. 264 the Court held that a lie is a lie no matter what its subject, and that the government has the responsibility to correct what they know to be false and elicit the truth. **Exodus** 20.16 *"You shall not bear false witness (you must not lie)"*. In criminal and civil cases the legal establishment has willfully deprived the People of effective assistance of counsel and is seeking to rule by force, fraud and intimidation, where the attorneys for the powerful are allowed to fabricate evidence script write criminal and civil complaints, and verdicts,

suppress favorable evidence resulting in the false imprisonment and execution of innocent people, the destruction of people lives and businesses.

Those attorneys who are suppose to be protecting the rights the little people make no defenses or only sham defenses willfully rolling over allowing the powerful to prevail. The judges aid and abet this conspiracy and oppress Pro Se litigants when they begin to, personally protect their rights and lie in the record to protect the powerful and their attorneys because Justice has been officially abandoned. While the legal system and Courts goes to great lengths to give the People the image of justice while committing violence against the People and acts that are crimes against humanity.

The Founding Fathers would not be surprised for Christ had instructed them that Satan can change himself into an angel of light and therefore it is no wonder that his servants can do it too, see **2 Corinthians** 11.14,15. This policy of destroying people's lives has been advanced by this Court in the case Strickland v. Washington 80 Led 2d. 674 where the Courts ruling allowed criminal defendants to be deprived of their most basic Constitutional rights by allowing defense attorneys to become organs of the state, warm bodies providing only sham defenses where a lawyer can be crazy, sleep and be drunk through out the trial and by this Court's ruling be considered to have had effective assistance of counsel which is a mockery of Justice.

This elitist philosophy and the abandonment of Justice by the legal establishment who have

replaced the command of justice with a doctrine of rights only for the "Just Us" those with money, power and influence, and have changed the rule of law to the rule of men.

The seeds of anarchy have long ago been sown and are bearing fruit which is evidenced by Sen. Patrick Leahy *"The FBI used to be the gems in the crown jewels, today it appears that they have become wore and tarnished,"* USA Today June 21, 2001 2A. This betrayal of trust has been advanced by the defendant/respondent ABA who receives millions of tax payers money from the executive branch of government. Respondent ABA's activities are also being supported and advance as per USA Today June 21, 2001 5A by several US Supreme Court Justices including O'Connor, Breyer and possibly others who purport to be teaching communist nations how to establish legal systems now apparently based on a tyranny of the legal establishment as opposed to the Communist or Nazi parties who need no additional help in learning how to pervert the law as executions even at places like Auschwitz where often conducted following mock judicial hearing and show trials. It is now however apparent that the participation of these Supreme Court Justices with the respondent ABA creates a conflict of interest of this court.

It is now self-evident and the time is ripe for judgment and justice to begin at this court and petitioner's case provides immediate undisputed jurisdiction to do so. This Court also has Constitutional jurisdiction to become a court of original jurisdiction to hear facts as well as law and to expand this case to include full evidentiary hearing of the totality of this corruption across this

nation and to once and for all check this evil and purify our temples of justice. Petitioners are more than willing and able to try the merits of this case before this court against whomever the defendant/respondents retain to be their representatives.

3. **Conclusion**

The facts put forth in this case can be ignore but not disputed. Although it appears that there may no longer be Justice in the U.S. Courts, in the Court of Life Justice will ultimately prevail. Therefore, in the interest of all in America which this case affects personally, legally and spiritually, it is imperative that this Court take action immediately and because of the seriousness of these issues and the Sovereigns People's right to know which Justices stand for Justice and the rule of law and which ones if any stand for lawlessness and tyranny. Therefore Petitioners demands that every Judge personally vote on the record their decision.

I now call Heaven and Earth as a witness to the Court's decision and further remind you of Thomas Jefferson beliefs where he stated that *"I tremble for this Country when I reflect that God is just."* Therefore petitioner moves this Court by the authority of the above and the Sovereign People's interest injustice that this Court should grant certiorari in this case.

Dated: June 25, 2001

Cherylynn Costner

Cherylynn Costner
In Pro Se, as Petitioners